

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

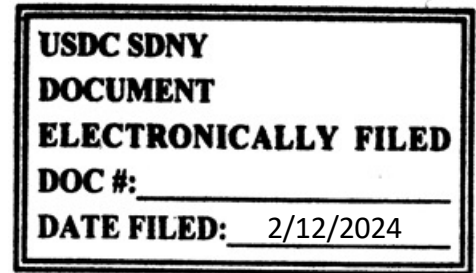
Jorge Rodriguez,

Plaintiff,

-against-

Iris Cotto, et al.,

Defendants.



1:23-cv-01350 (JGLC) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, on January 11, 2024, the Court was apprised that the parties reached a settlement, set the deadline of February 1, 2024, for the parties to file a joint letter or motion to address whether the settlement is fair and reasonable pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), and reminded the parties that they may consent to conduct all proceedings before the undersigned, the Honorable Stewart D. Aaron (1/11/24 Order, ECF No. 80); and

WHEREAS, on February 1, 2024, Defendants sought an extension of time to file settlement documents in accordance with the Court's January 11, 2024 Order (Defs.' 2/1/24 Ltr. Mot., ECF No. 82); and

WHEREAS, the Court granted the request for an extension of time to file the settlement documents until February 9, 2024, and also ordered the parties to file a joint letter indicating whether they consent to conduct all further proceedings before the undersigned no later than February 7, 2024 (2/1/24 Order, ECF No. 83); and

WHEREAS, on February 7, 2024, the parties filed a joint letter consenting to the undersigned's jurisdiction for the parties' joint motion to approve the settlement pursuant to *Cheeks* (the "Consent Letter") (2/9/24 Joint Mot., ECF No. 84); and

WHEREAS, the Consent Letter did not include an executed, and required, "Notice, Consent, and Reference of a Civil Action to a Magistrate Judge" (the "Consent Form") for District Judge Clarke's review and endorsement (*see id.*); and

WHEREAS, on February 7, 2024, the undersigned's Chambers transmitted a copy of the Consent Form to the parties by email, to be sent in reply to the Chambers' email no later than February 9, 2024 (2/7/24 Email from Chambers to Pl. & Defs.); and

WHEREAS, on February 9, 2024, the parties filed their joint motion for settlement approval, which consisted of a letter explaining the proposed settlement and why it is fair and reasonable under *Cheeks* (*Cheeks* Ltr., ECF No. 85), the proposed settlement agreement (Prop. Settlement Agmt., ECF No. 85-1), Plaintiff's damages estimate (ECF No. 85-2), and receipts of costs expended (ECF No. 85-3); and

WHEREAS, the parties did not transmit an executed copy of the Consent Form by email in reply to the undersigned's Chambers in accordance with the Court's email by February 9, 2024.

NOW, THEREFORE, it is hereby ORDERED as follows:

1. No later than February 16, 2024, the parties shall execute and file the Consent Form to the docket for District Judge Clarke's review and endorsement.
2. Because District Judge Clarke has not yet endorsed an executed Consent Form to refer this matter to the undersigned, the Court hereby holds its review of the Joint Motion for Settlement Approval (ECF No. 85) in abeyance until jurisdiction is conferred.

SO ORDERED.

Dated: New York, New York
February 12, 2024

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line. The signature is written in a cursive, slightly slanted style.

STEWART D. AARON
United States Magistrate Judge